

# EXHIBIT 11

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Pursuant to Protective Order

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1 LaVIA  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
4 Case No. 3:17-cv-00101  
5 - - - - -  
6  
7 CONSUMER FINANCIAL PROTECTION BUREAU,  
8 Plaintiff,  
9 vs.  
10 NAVIENT CORPORATION, et al.,  
11 Defendants.

12 \_\_\_\_\_/

13  
14  
15 CONFIDENTIAL  
16 PURSUANT TO THE PROTECTIVE ORDER

17  
18 VIDEOTAPED DEPOSITION OF CYNTHIA BATTLE  
19 Washington, D.C.  
20 Wednesday, May 23, 2018  
21

22  
23 Reported by:  
24 SUSAN ASHE, RMR, CSR, CRR  
25 Job No.: 142320

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1 BATTLE  
2 A. -- interfaces with --  
3 Q. -- interfaces with the IRS.  
4 A. -- the IRS.  
5 Q. Correct?  
6 A. Income is passed, and then that  
7 information -- borrower data -- including income, is  
8 passed to the servicer to process.  
9 Q. Okay. Do servicers have direct access to  
10 IRS data?  
11 A. They do not.  
12 (Whereupon, Defendants Exhibit 307 was  
13 marked for identification.)  
14 Q. Ms. Battle, just take a minute to look at  
15 Exhibit 307.  
16 A. Okay.  
17 (Witness reading.)  
18 Q. Have you had an opportunity to look at the  
19 document?  
20 A. Yes, I have. Um-hum.  
21 Q. Do you recognize Exhibit 307?  
22 A. Vaguely, yes.  
23 COURT REPORTER: I'm sorry. One at a  
24 time.  
25 Could you repeat your question.

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1 BATTLE  
2 Q. Sure. Do you recognize Exhibit 307?  
3 A. Yes.  
4 Q. What is it?  
5 A. It's a proposal from Navient on some  
6 opportunities to improve the take-up rate for IDR  
7 plans.  
8 And they've just provided kind of their  
9 view of some opportunities that the Department may  
10 want to consider.  
11 Q. Do you recall receiving this proposal?  
12 A. Yes, vaguely -- years ago.  
13 Q. Do you recall the substance of the  
14 proposal?  
15 A. What do you mean?  
16 Q. Well, what was Navient proposing?  
17 A. Oh, what's here.  
18 They were proposing that we look at a  
19 verbal request to be able to capture some of the  
20 program requirements verbally for IBR borrowers.  
21 Q. Do you know if the Department reached a  
22 formal decision in response to this proposal?  
23 A. I don't know whether there was a formal  
24 decision on this document; but we did later try a  
25 pilot, verbally. We did try a pilot for a short

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1 BATTLE  
2 period of time.  
3 Q. When did that pilot occur?  
4 A. I believe that was in 2016.  
5 Q. And what was the objective of the pilot?  
6 A. The objective of that, the verbal pilot,  
7 was similar: To just determine the take-up rates  
8 for -- how to make it easier for borrowers if we  
9 were to look at applying -- or allowing borrowers to  
10 provide income verbally.  
11 But it was a very small window that we  
12 used in -- I believe it was 2016.  
13 Q. And was that implemented across all  
14 servicers?  
15 A. We gave all servicers the opportunity to  
16 participate, yes.  
17 Q. And how long did the pilot last for?  
18 A. About two months.  
19 Q. And what were the results of the pilot?  
20 A. I don't recall what the results were.  
21 Q. Has the Department implemented any changes  
22 to enrollment processes as a result of the pilot?  
23 A. No.  
24 Q. You mentioned earlier the difficulties  
25 around recertification of IDR programs. Correct?

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1 BATTLE  
2 A. Correct.  
3 Q. Can you describe what those  
4 recertification requirements are?  
5 A. So, annually, a borrower would be required  
6 to provide income requirements at the time that --  
7 their anniversary date, once they hit an anniversary  
8 date.  
9 So the income plans are designed in a way  
10 that we would recalculate your payment every year  
11 based on changes in your income and family size.  
12 Q. Does the Department of Education provide  
13 notices to borrowers at the time or before --  
14 A. The Department or the servicers?  
15 Q. Well, I'm asking if the Department  
16 provides notifications to borrowers.  
17 A. The Department does not.  
18 MR. KEARNEY: 308.  
19 (Whereupon, Defendants Exhibit 308 was  
20 marked for identification.)  
21 Q. Just take a minute to look at 308 --  
22 A. Um-hum.  
23 Q. -- Ms. Battle.  
24 (Witness reading.)  
25 Q. I can probably simplify it --

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Q. And then next to it in a column, the heading of which, all the way at the top, do you see, says "Types of Borrowers"?

A. Yes.

Q. Next to "Forbearance," there are two bullets in that column.

Do you see those?

A. Yes, I do.

Q. Can you read those --

A. Sure.

Q. -- two bullets.

A. (Reading:) Forbearance should only be considered after it was determined that no lower payment option is acceptable and borrower is not eligible for any deferments. Forbearance can be used to bring account current while customer is addressing long-term solution.

Q. Does the use of forbearance described in those bullets accord with Department policy?

A. Yes.

Q. Is it possible to apply for forbearance without calling a servicer?

A. Yes, there are instances where a forbearance can be applied without calling the

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information about other options they may have for managing their loans?

A. We would hope that the servicing tools are robust enough to be able to allow for appropriate navigation so that borrowers are just not allowed to apply for forbearance without appropriate counseling.

So if the tools allow for some level of communication or information about other options other than forbearance, then it can still be applied over the website.

So there's still an expectation that borrowers would get appropriately notified about other options, even if they used the online tools.

Q. When you say borrowers would be appropriately notified, are you talking about written disclosures of some kind?

A. Either written disclosures or even through the website itself -- through the navigation itself.

Q. So is one way the Department ensures that borrowers get information about repayment options through written disclosures?

A. Sure, that's one way -- or electronically, sure.

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servicer.

Q. And how would a borrower do that?

A. Okay. Let me go back.

Can you give some specifics about, when you mean a forbearance can be applied without contacting the servicer.

Q. Oh -- can a borrower request a forbearance without making a phone call to the servicer or talking to the servicer on the phone?

A. We are speaking about a borrower making a request. Then the borrower can contact the servicer, either in writing or a phone call, are the ways that -- there has to be some contact for a forbearance to be applied.

Q. That makes sense.

Is it possible for a borrower to apply for a forbearance through servicer websites?

A. Yes.

Q. And in that circumstance, could a borrower obtain a forbearance without speaking on the phone with the servicer?

A. Yes; in that circumstance it could, yes.

Q. And in that circumstance, how does the Department ensure that borrowers are given

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Q. Electronically on the web --

A. Yes.

Q. -- potentially?

A. Either one of those ways, sure.

Q. Or through various servicer notices?

A. Through notices, through the websites, or -- and, of course, through phone calls.

Q. So the Department doesn't rely exclusively on phone calls to provide information to borrowers about repayment options?

A. Oh, not -- yeah, that's one way to notify a borrower, sure.

Q. Through the phone?

A. Through the phone, sure.

Q. But also there are ways to do it through other disclosures?

A. The tools or other disclosures, sure.

Q. Ms. Matthews asked you about the benefits of income-driven repayment plans.

A. Yes.

Q. Are there any downsides in income-driven repayment plans from the Department's perspective?

A. Downsides from...?

Q. For borrowers.

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CERTIFICATE

I, SUSAN ASHE, a Registered Merit Reporter and Notary Public, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness, who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

Dated this 6th day of June, 2018.



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Susan Ashe, Notary Public  
of the District of Columbia  
My commission expires: May 31, 2022.